

REMARKS

The outstanding issues are as follows:

- Claims 1–3, 6–10, 12, 17–21, 23, 24, 26–28, and 31–33 are rejected under 35 U.S.C. § 103(c); and
- Claims 4, 14–16, 22, 29, 37–39, and 43 are objected to as depending from non-allowable independent claims.

Applicants hereby traverse the outstanding rejections, and request reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 4, 14–16, 22, 29, 37–39, and 43 have been indicated as allowable by the Examiner if re-written in independent form. Therefore, claims 1–43 remain pending in this application.

I. REJECTIONS UNDER 35 U.S.C. § 103(a)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejections do not satisfy these criteria.

A. Claims 1–3, 6–10, 12, 17–21, 23, 24, 26–28, and 31–33

Claims 1–3, 6–10, 12, 17–21, 23, 24, 26–28, and 31–33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0176040 by Thornton et al., (hereinafter *Thornton*) in view of U.S. Patent No. 6,401,054 to Anderson, (hereinafter *Anderson*).

1. Claims 1–16

Claim 1 requires, “calculating a set of statistical values at said wireless probe using said measured one or more variables; and transmitting said set of statistical values to a central station.” The Examiner admits that *Thornton* teaches neither of these limitations. The Examiner offers *Anderson* to cure these deficiencies. *Anderson* teaches a method of applying

statistical analysis techniques in intelligent electronic devices for data reduction and analysis. Col. 1, lns 11–13. However, while *Anderson* teaches using statistical analysis techniques, it does not teach, or even suggest, transmitting calculated statistical values to a central station, as required by claim 1.

Anderson teaches that only the observed or measured data with “statistically significant deviations need to be communicated.” Col. 2, lns 7–8. The intelligent electronic device discussed in *Anderson* calculates statistical data, such as the standard deviation and mean value of the observed or measured data. Col. 1, ln 62 – Col. 2, ln 4. However, the only information that the intelligent electronic device transmits from itself is the data that significantly deviates from the calculated statistical values. Col. 2, lns 6–8. This operation is, in fact, the opposite of what is required in claim 1. Therefore, the combination of *Thornton* and *Anderson* fails to teach each and every limitation of claim 1.

Claims 2–16 each depend directly or indirectly from independent claim 1 and, thus, inherit each of the limitations of claim 1. As such, claims 2–16 are each patentable over the asserted combination of references. Applicants, thus, assert that claims 1–16 are patentable over the § 103(a) rejection of record and respectfully request the Examiner to withdraw same.

2. Claims 17–24

Claim 17 requires, “code operable by said processor, for calculating statistical information on said captured measurements; and a communication interface for transmitting said statistical information to a data clearinghouse.” The Examiner admits that *Thornton* does not teach these limitations, but offers *Anderson* to cure this deficiency. However, as noted above, while *Anderson* teaches calculating selected statistical information from the measured or observed information, it also teaches transmitting only the measured or observed information that substantially deviates from those calculated statistical values. Col. 2, lns 6–8. This transmitting of only the information that is *not* the calculated set of statistical values fails to teach or even suggest the requirements of claim 17. Applicants, therefore, assert that the combination of *Thornton* and *Anderson* fails to teach each and every limitation of claim 17 and respectfully request the Examiner to withdraw the § 103(a) rejection of record.

Claims 18–24 each depend directly or indirectly from independent claim 17 and, thus, inherit each of the limitations of claim 17. As such, claims 18–24 are each patentable over the asserted combination of references. Applicants, thus, assert that claims 17 – 24 are patentable over the § 103(a) rejections of record and respectfully request the Examiner to withdraw same.

3. *Claims 25–39*

Claim 25 requires, “calculating statistical data at said wireless probe using said measured one or more variables, responsive to receiving a transition event notification; and transmitting said statistical data to a central processing location.” The Examiner admits that *Thornton* does not teach these limitations, but offers *Anderson* to cure this deficiency. However, as noted above, while *Anderson* teaches calculating selected statistical information from the measured or observed information, it also teaches transmitting only the measured or observed information that substantially deviates from those calculated statistical values. Col. 2, lns 6–8. This transmitting of only the information that is *not* the calculated set of statistical values fails to teach or even suggest the requirements of claim 25. Applicants, therefore, assert that the combination of *Thornton* and *Anderson* fails to teach each and every limitation of claim 25 and respectfully request the Examiner to withdraw the § 103(a) rejection of record.

Claims 26–39 each depend directly or indirectly from independent claim 25 and, thus, inherit each of the limitations of claim 25. As such, claims 26–39 are each patentable over the asserted combination of references. Applicants, thus, assert that claims 25 – 39 are patentable over the § 103(a) rejections of record and respectfully requests the Examiner to withdraw same.

B. *Claims 5 and 30*

Claims 5 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Thornton* in view of *Anderson* and in further view of U.S. Patent No. 6,580,983 to Laguer-Diaz et al., (hereinafter *Laguer-Diaz*).

The Examiner admits that the combination of *Thornton* and *Anderson* does not teach each and every limitation of claims 5 and 30, but offers *Laguer-Diaz* to cure the deficiency. However, claims 5 and 30 depend from independent claims 1 and 25, respectively. As indicated above, while *Anderson* teaches calculating selected statistical information from the measured or observed information, it also teaches transmitting only the measured or observed information that substantially deviates from those calculated statistical values. Col. 2, lns 6–8. As noted above, this transmitting of only the information that is *not* the calculated set of statistical values fails to teach or even suggest the requirements of claims 1 and 25. Moreover, *Laguer-Diaz* does not teach or suggest this limitation, nor does the Examiner rely on *Laguer-Diaz* to supply this limitation. Applicants, therefore, assert that the combination of *Thornton*, *Anderson*, and *Laguer-Diaz* fails to teach each and every limitation of claims 5 and 30 and respectfully request the Examiner to withdraw the § 103(a) rejection of record.

C. Claims 11 and 34

Claims 11 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Thornton* in view of *Anderson* and in further view of U.S. Patent No. 5,805,200 to Counselman, III, (hereinafter *Counselman*).

The Examiner admits that the combination of *Thornton* and *Anderson* does not teach each and every limitation of claims 11 and 34, but offers *Counselman* to cure the deficiency. However, claims 11 and 34 depend from independent claims 1 and 25, respectively. As indicated above, while *Anderson* teaches calculating selected statistical information from the measured or observed information, it also teaches transmitting only the measured or observed information that substantially deviates from those calculated statistical values. Col. 2, lns 6–8. As noted above, this transmitting of only the information that is *not* the calculated set of statistical values fails to teach or even suggest the requirements of claims 1 and 25. Moreover, *Counselman* does not teach or suggest this limitation, nor does the Examiner rely on *Counselman* to supply this limitation. Applicants, therefore, assert that the combination of *Thornton*, *Anderson*, and *Counselman* fails to teach each and every limitation of claims 11 and 34 and respectfully request the Examiner to withdraw the § 103(a) rejection of record.

D. Claims 13, 35, and 36

Claims 13, 35, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Thornton* in view of *Anderson* and in further view of U.S. Patent No. 5,987,306 to Nilsen, et al., (hereinafter *Nilsen*).

The Examiner admits that the combination of *Thornton* and *Anderson* does not teach each and every limitation of claims 13, 35, and 36, but offers *Nilsen* to cure the deficiency. However, claims 13, 35, and 36 depend from independent claims 1 and 25, respectively. As indicated above, while *Anderson* teaches calculating selected statistical information from the measured or observed information, it also teaches transmitting only the measured or observed information that substantially deviates from those calculated statistical values. Col. 2, lns 6–8. As noted above, this transmitting of only the information that is *not* the calculated set of statistical values fails to teach or even suggest the requirements of claims 1 and 25. Moreover, *Nilsen* does not teach or suggest this limitation, nor does the Examiner rely on *Nilsen* to supply this limitation. Applicants, therefore, assert that the combination of *Thornton*, *Anderson*, and *Nilsen* fails to teach each and every limitation of claims 11 and 34 and respectfully request the Examiner to withdraw the § 103(a) rejection of record.

E. Claims 40–42 and 44–46

Claims 40–42 and 44–46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Thornton* in view of *Anderson* and in further view *Nilsen*.

Claim 40 requires, “calculating statistical data at said wireless probe using said raw measurements; and communicating said statistical data to a central analysis center.” The Examiner admits that *Thornton* does not teach these limitations, but offers *Anderson* to cure this deficiency. However, as noted above, while *Anderson* teaches calculating selected statistical information from the measured or observed information, it also teaches transmitting only the measured or observed information that substantially deviates from those calculated statistical values. Col. 2, lns 6–8. This transmitting of only the information that is *not* the calculated set of statistical values fails to teach or even suggest the requirements of claim 40.

Moreover, claim 40 additionally requires, "dividing said defined area into a plurality of grid sections." The Examiner also admits that neither *Thornton* nor *Anderson* teaches this limitation, but offers *Nilsen* to cure this deficiency. However, as noted above, *Nilsen* does not teach or even suggest "communicating said statistical data to a central analysis center," as required by claim 40. Applicants, therefore, assert that the combination of *Thornton*, *Anderson*, and *Nilsen* fails to teach each and every limitation of claim 40 and respectfully request the Examiner to withdraw the § 103(a) rejection of record.

Claims 41, 42, and 44-46 each depend directly or indirectly from independent claim 40 and, thus, inherit each of the limitations of claim 40. As such, claims 41, 42, and 44-46 are each patentable over the asserted combination of references. Applicants, thus, assert that claims 40-42 and 44-46 are patentable over the § 103(a) rejections of record and respectfully request the Examiner to withdraw same.

II. CONCLUSION

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10031298-1 from which the undersigned is authorized to draw.


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482724389US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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